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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,071	02/16/2001	David Frederick Bantz	YOR920000803US1	5094

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EXAMINER

ELMORE, JOHN E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,071

Applicant(s)

BANTZ ET AL.

Examiner

John Elmore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,10,11,16,17,19-22,26,27,32,33,35-38,42,43 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,10,11,16,17,19-22,26,27,32,33,35-38,42,43 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 4/15/2005.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In response to the previous office action, Applicant has amended claims 1, 3, 6, 10, 11, 16, 17, 19, 22, 26, 27, 32, 33, 35, 38, 42, 43 and 48 and has cancelled claims 2, 7-9, 12-15, 18, 23-25, 28-31, 34, 39-41 and 44-47. Claims 1, 3-6, 10, 11, 16, 17, 19-22, 26, 27, 33, 35-38, 42, 43 and 48 have been examined.

Objections to Specification

2. The amendment filed 4/15/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Regarding claims 1, 17 and 33, the limitation "from a requesting user" in conjunction with the original limitation of "receiving requested content" constitutes the introduction of new subject matter because the specification filed on 02/16/2001 particularly points out that "the objectionable content avoidance service provider receives the requested content" from servers and such requested content "is checked for objectionable content before being forwarded to client," wherein the objectionable content avoidance service provider is a proxy server stationed between the servers and the user making the request via the client (Applicant: page 6, lines 1-4 and 12-17; page 10, lines 20-21). The amended claim adds new subject matter by providing a heretofore undisclosed embodiment by which the requested content is received directly by the requesting user and then apparently forwarded to the objectionable content avoidance

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service provider (which, notably, appears to contravene the very purpose of filtering objectionable content prior to its reception by the requesting user). In the interest of compact prosecution, the limitation "from a requesting user" in the above claims is subsequently ignored for the purpose of further examination.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. In view of Applicant's amendment, the previous rejections under 25 U.S.C. 112 are withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-6, 10, 11, 16, 17, 19-22, 26, 27, 23, 33, 35-38, 42, 43 and 48 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hoffberg (US 6,850,252 – filed October 5, 1999) in view of Jensen et al. (US 6,459,809 – filed July 12, 1999), hereafter Jensen.

Regarding claim 1, Hoffberg discloses a method of identifying objectionable content, comprising:

receiving requested content (e.g. receiving broadband data; col. 220, line 20);

retrieving a user profile for the requesting user, wherein the user profile includes parameters for identifying objectionable content and a plurality of categories of objectionable content (col. 222, line 62, through col. 223, line 3);

analyzing the requested content to identify an amount of objectionable content (amount of objectionable content determined by a composite score; col. 143, line 47, through col. 144, line 8; col. 222, line 67, through col. 223, line 11; col. 223, line 48, through col. 224, line 6).

And while Hoffman teaches analyzing the requested content to determine whether the amount of objectionable content in the requested content is above at least one predetermined threshold (col. 223, lines 3-11), that past requests, including objectionable content, are stored in a data structure (col. 224, lines 16-22), Hoffman does not explicitly explain storing the requested content in an objectionable content data structure if the amount of objectionable content in the requested content is above at least one predetermined threshold.

However, Jensen teaches a method of identifying objectionable content comprising storing the requested content in an objectionable content data structure if the amount of objectionable content in the requested content is above at least one predetermined threshold (filtered content is rerouted from original content stream to a data buffer if the content is above a threshold, which is defined as substantively matching a dictionary of archetypes; see column 10, lines 30-35, and column 11, lines

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37-55) for the purpose of later review and analysis to aid in further refining the filtering process (col. 12, lines 45-54). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hoffman with the teaching of Jensen to provide for storing the requested content in an objectionable content data structure if the amount of objectionable content in the requested content is above at least one predetermined threshold. One would be motivated to do so in order to facilitate later review and analysis toward further refining the filtering process, particularly where the identifying the objectionable content involves image analysis.

Regarding claim 3, the modified method of Hoffman and Jensen is relied upon as applied to claim 1, and Hoffman and Jensen further teach:

providing at least one entry from the objectionable content data structure to a user (Jensen: column 12, lines 45-46; Hoffman: assisted feedback; col. 223, lines 12-14);

receiving input from the user categorizing at least one entry as objectionable or non-objectionable (Jensen: refinement of archetypes with user input by which content is categorized as objectionable or non-objectionable; column 4, lines 49-54; Hoffman: assisted feedback with user scoring of content; col. 223, lines 12-14); and

adjusting at least one predetermined threshold within the plurality of thresholds if the input from the user categorizes the at least one entry as non-objectionable (Jensen: refinement of archetypes; column 4, lines 49-54; Hoffman: assisted feedback; col. 223, lines 12-30).

Therefore, for the reasons applied above, such a claim also would have been obvious.

Regarding claim 4, the modified method of Hoffman and Jensen is relied upon as applied to claim 1, and Hoffman and Jensen further teach that the method is implemented in a proxy server (Jensen: column 4, lines 46-48). Therefore, for the reasons applied above, such a claim also would have been obvious.

Regarding claim 5, the modified method of Hoffman and Jensen is relied upon as applied to claim 1, and Hoffman and Jensen further teach that the method is implemented in a client device (Jensen: column 4, lines 33-34, and column 11, lines 2-14; Hoffman: set top box; col. 219, lines 51-54). Therefore, for the reasons applied above, such a claim also would have been obvious.

Regarding claim 6, Jensen teaches all the limitations of claim 1, and further teaches a method wherein

analyzing the requested content to identify an amount of objectionable content includes one or more of performing image analysis, performing list based analysis, performing textual analysis or receiving an input from a user designating the requested content as containing objectionable content (Jensen: image analysis; see column 5, lines 22-24; column 10, lines 26-27; and column 11, lines 37-46) and

receiving an input from a user designating the requested content as containing objectionable content (Jensen: column 12, lines 45-50).

Therefore, for the reasons applied above, such a claim also would have been obvious.

Regarding claim 10, the modified method of Hoffman and Jensen is relied upon as applied to claim 1, and Hoffman and Jensen further teach that at least one threshold is dynamically adjustable (Jensen: column 11, lines 56-57).

Regarding claim 11, the modified method of Hoffman and Jensen is relied upon as applied to claim 1, and Hoffman and Jensen further teach that at least one threshold is dynamically adjustable based on results of review, by a user, of objectionable content in the objectionable content data structure (Jensen: column 12, lines 42-50; Hoffman: col. 223, lines 12-30). Therefore, for the reasons applied above, such a claim also would have been obvious.

Regarding claim 16, Jensen teaches all the limitations of claim 3, and further teaches a method wherein adjusting the at least one predetermined threshold if the input from the user categorizes the at least one entry as non-objectionable includes determining a new value for the at least one predetermined threshold using one of an algorithm, a function, an inference engine, a neural network, an expert system, or an intelligent computing system (Jensen: adjusting thresholds using neural network; column 8, lines 57-67, and column 12, lines 49-52; Hoffman: neural network; col. 223, lines 25-28). Therefore, for the reasons applied above, such a claim also would have been obvious.

Regarding claims 17, 19, 20-22, 26, 27 and 32, this is an apparatus version of the claimed method steps discussed above (claims 1, 3-6, 10 and 11), wherein all limitations have been addressed. Thus, for the reasons provided above, such claims also would have been obvious.

Regarding claims 33, 35-38, 42, 43 and 48, this is a computer program product version of the claimed method steps discussed above (claims 1, 3-6, 10 and 11), wherein all limitations have been addressed. Thus, for the reasons provided above, such claims also would have been obvious.

Response to Amendment

5. Applicant's arguments filed 15 April 2005 have been fully considered but they are not persuasive.

Regarding Applicant's argument that Jensen does not teach the use of a threshold to qualify objectionable content, Jensen actually uses a threshold in two respects. The fact that Jensen omits the term "threshold" in his description is irrelevant since he describes the function of a threshold.

First, Jensen uses a threshold to determine how closely an object of the requested content matches an archetype that defines an objectionable object (col. 9, lines 46-61; col. 10, lines 30-33). A contour analysis of a content object provides a semantic value which is used to compare the object to an archetype. Jensen states that the content object is identified as objectionable when "the semantic value... falls within the fixed set of prohibited semantic values" (col. 10, lines 30-32). Webster's II New Riverside University Dictionary defines "threshold" as "a place or point of beginning." One of ordinary skill in the art would recognize that the lower bound of the fixed set of prohibited semantic values marks a threshold, especially where the upper bound is set

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to the highest attainable value. For example, for a fixed set of 70 to 100 on a 100-point scale, 70 marks a threshold, as it is the point of beginning of the set.

Second, Jensen uses a threshold to determine an amount of objectionable content. Jensen discloses the situation where the user defines objectionable content as a dictionary (or group) of objectionable objects, each represented by an archetype, rather than a single objectionable object, stating that "a dictionary of archetypes could be used to identify sexually explicit images" (col. 10, lines 26-27). One of ordinary skill in the art would recognize that the size and arrangement of a dictionary of archetypes directly correlates to an amount of objectionable content. For example, in the context of image analysis, a dictionary containing objects representing the anatomical features of a person's entire body effectively provides a different threshold than a dictionary containing objects representing only the anatomical features of a person's upper body, as a different amount of content will be blocked in the case where even partial nudity is prohibited as opposed to full nudity.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McClain et al. (US 6,772,214) discloses a method for filtering content stored on a proxy cache server.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Elmore whose telephone number is 571-272-4224. The examiner can normally be reached on M 10-8, T-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE

A handwritten signature in black ink, appearing to read 'Gy Mh', is positioned above the official stamp.

GREGORY MORSE
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